

A. **Call to Order:** **Chair Salena Wright-Brown** calls Meeting of the Planning Commission to order at 6:06 p.m.

B. **Roll Call:** Commissioners present were: James Milner, Eldon Long, Linda Vannoy, Frank Mocivnik, Betty Pritchett, Salena Wright-Brown and Lloyd Showalter.

C. **Pledge of Allegiance:** Recited during Board of Adjustments.

D. **Approval of Minutes:** **April 5, 2010 and April 8, 2010.** **Commissioner Milner** moves to approve April 5, 2010 minutes as written. **Commissioner Long** seconds motion. All in favor. **Commissioner Vannoy** moves to approve minutes of April 8, 2010 as written. **Commissioner Pritchett** seconds motion. All in favor. Minutes of April 5 and 8, 2010 approved as written.

E. **Public Hearing:** **Franklin - Rezone.** Steven Franklin represents this item on behalf of his parents, Bob and Jean Franklin. Mr. Franklin states that the purpose of the application is to return the property to its highest and best use, which is commercial. He adds it would bring consistency to the Hwy 264 corridor, which is part of the overlay district. He points out that (1) the property in question is not now, and has never been part of Center Pointe Park Subdivision; (2) It is actually 1.65 acres of a larger parcel which is commercial; and (3) The current zoning of residential was not requested by the property owner. The property owner has paid taxes at the commercial property rate since 1989 on that property. Mr. Franklin displays a timeline of events regarding this property: Purchase of the land by the Franklin family – 1919; in preparation of development of Center Pointe Subdivision, the property owners came before the Commission and Council and had the property zoned commercial – 1989; first house in Center Pointe was built – 1992; as the subdivision was developed in phases, it was noted that the NW Regional Planning Map incorrectly showed the zoning for the property in question as A-1, so in 1993, they went through the zoning process again for this property. He continues, you don't get to do this for free. The property was rezoned – 1994, as it had previously been rezoned; the last house to be built in Center Pointe was – 1999; In 2005, the City decided that they would consolidate some of their zones. Mr. Franklin says he attended the meeting at Tucker Elementary, reviewed the map, the property in question today was not being rezoned. Only upon accident, after having a discussion with Mayor Long on another issue, did he mention we have a problem with this property. It is zoned residential, not commercial. Nobody ever notified the owner. He states this property was never going to be park. This property has been zoned commercial since 1989, before any house was built in this subdivision. Again, we are trying to bring it to its highest and best use, which is was zoned previously. He explains, this is the only property between I-540 and Hwy 71B that is not commercial.

Public Hearing Opens: 6:19p

Guy Shumaker, 315 Center Drive – *opposed.*

Debby Hallobaugh, 115 Franklin Avenue – *wonders if her property will be affected.*

Jerri Ray, 116 Center Drive – *opposed.*

Jolene Lakey, 323 Bluff Drive – *opposed.*

Daphne Carter, 106 Bluff Drive – *opposed.*

Karen Magby, 324 Bluff Drive – *opposed.*

Sherry Loftus, 124 Center Drive – *opposed.*

Alan Carlson, 111 Bluff Drive – *opposed.*

Euleta Carter McCarley, - *opposed.*

Tony Berryhill, 205 Bluff Drive – *opposed.*

Dale Sneed, 113 Bluff Drive – *opposed.*

Gil Pineira, 310 Center Drive – *opposed.*

Alan Clark, 401 Bluff Drive – *opposed.*

Marty Lathem, 216 Bluff Drive – asks if rezoning this 1.65 area affects the zoning of the remaining 23.3 acres of this parcel. (Answer is no.) She adds that if the owner wanted to develop the 23.3 acres, he could. It is already commercial.

Dan Dwyer, 125 Bluff Drive – asks if owner does develop 23.3 acres, where is the access. Is this something decisional by Planning Commission. (Answer is yes.)

(In summary, concerns from those opposed are: access, additional traffic, construction, construction workers, quality of life, property values, lights, trash, parking, noise, pollution.)

Public Hearing Closes: 6:59p

Commissioner Long states that by looking at the zoning map, it would appear as spot zoning. He adds that the perimeters of this property and adjacent to the property has all changed. The residents should be given full consideration. We have such a large commercial area there to be developed, I personally cannot see reasoning for rezoning this 1.65 acres. He asks about the ordinance which specifically changed the zone of this property.

Michael Solomon, Director of Planning & Economic Development, states that in 2006 we wrote a new Comprehensive Plan and when we did, we changed the zones that we had. The ordinance which changed the zone is the Comprehensive Plan of 2006.

Commissioner Pritchett asks Mr. Solomon if the property owners affected were notified. Mr. Solomon explains that at the time of this revision, there were at least ten public hearings, articles in the paper and notifications sent. Whether they were specifically notified or not, I couldn't tell you.

Commission Chair Wright-Brown states that there were numerous public hearings, notices in the paper and newsletter and quite a few did attend the public hearings. She adds that she was part of that group that changed the terminology. It was unusual for us to have split a property. She does not remember this particular property being split and everything along that corridor was intended to be commercial.

Michael Solomon remembers asking the guy who revised our zoning map at the time about the property, and he was told specifically by the Planning staff to change it.

Commission Chair Wright-Brown explains that we did receive letters regarding this issue. She is not going to read the content of the letters but for the record...Lee Long, Fox Run Place – no objection; Gartins, 110 Bluff Drive – opposed.

She adds that as part of that group that planned, she has no knowledge of why we would have changed that from commercial, don't really remember ever changing that from commercial. We left those corridors commercial and she is perplexed as to when and how it got changed. She explains that at this time, we are not discussing what Mr. Franklin can put on this property, but the request to rezone this property to commercial to what he and his family believed it was.

Commissioner Milner states that it was a long, hard discussion regarding that Hwy 264 corridor. It is the main access route to Lowell. He adds if that is not the corridor for commercial, he does not know what is.

Commissioner Mocivnik moves to accept the rezone request. **Commissioner Milner** seconds the motion. **Salena Wright-Brown** – Yes, **Lloyd Showalter** – No, **Linda Vannoy** – No, **Eldon Long** – No, **Frank Mocivnik** – Yes, **James Milner** – Yes, **Betty Pritchett** – Yes. Motion carries. **Chair Wright-Brown** explains that this item will go before the City Council tomorrow night in this chamber. She calls for a 2-minute break.

F. Public Forum: None.

*Public Form is intended for Public Comment and is limited to 2 minutes per turn, 1 turn per speaker for non-agenda items. If there are any items on the agenda that specifically pertain to surrounding residents they may be heard for the above-specified time.

G. **Consent Agenda Items:** *None.*

H. **Old Business:** *None.*

I. **New Business:** **Lot Split – 1115 North Dixieland.** Daniel Ellis, Crafton Tull Sparks, represents Golf Mountain on this matter. He explains he understands that there are drainage issues to be addressed across Dixieland, actually in Rogers, by the current property owner. He requests an approval of the lot split contingent upon the drainage issues being resolved. He adds that the split is for a 3.03 acre lot. **Commissioner Vannoy** makes the motion to approve the lot split contingent upon the drainage issues being resolved. **Commissioner Milner** seconds motion. All in favor. Lot split granted.

J. **Planning Staff Items:** *None.*

K. **Discussions:** **Commissioner Long** encourages Commissioners to participate in the lawnmower races during Mudtown Days. **Chair Wright-Brown** discusses the decision by City Council to permit miniature golf in Retail-Office, overturning the Commission's decision to make it a conditional use. She adds that she would like a concerted effort for Commissioners to be present at City Council meetings when possible and not be afraid to speak up if we need to explain our decisions. Keep the communications open between the Council and the Commission.

L. **Committee Reports.** *None.*

M. **Adjourn:** **Chair Wright-Brown** entertains motion to adjourn. **Commissioner Long** moves to adjourn. **Commissioner Vannoy** seconds motion. All in favor. Meeting adjourned at 7:56 pm.

APPROVED:

Salena Wright-Brown, Chairman

ATTEST:

Kris Sullivan, Secretary